

VZCZCXYZ0013  
PP RUEHWEB

DE RUEHWN #0930/01 2011946  
ZNY CCCCC ZZH  
P 201946Z JUL 07  
FM AMEMBASSY BRIDGETOWN  
TO RUEHC/SECSTATE WASHDC PRIORITY 5114  
INFO RUCNCOM/EC CARICOM COLLECTIVE PRIORITY  
RUEHCV/AMEMBASSY CARACAS PRIORITY 1770  
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL PRIORITY  
RUMIAAA/HQ USSOUTHCOM J5 MIAMI FL PRIORITY  
RUEHCV/USDAO CARACAS VE PRIORITY

C O N F I D E N T I A L BRIDGETOWN 000930

SIPDIS

SIPDIS

STATE FOR WHA/CAR, DS/IP/WHA, AND DS/DSS/ITA

E.O. 12958: DECL: 06/29/2017

TAGS: [PGOV](#) [PREL](#) [ASEC](#) [GJ](#)

SUBJECT: NEW SENTENCE FOR GRENADA 13 LEAVES GRENADIAN  
POPULATION DIVIDED

Classified By: DCM Mary Ellen T. Gilroy for reasons 1.4(b) and (d).

11. (C) SUMMARY AND COMMENT: New sentences for the "Grenada 13" were handed down on June 27, 2007, by Justice Francis Belle, who presided over the June 18-26 hearing. Three of the defendants convicted in 1986 of the 1983 killing of Prime Minister Bishop, members of his cabinet, and a number of civilians, received 30 year sentences, which led to their immediate release, while the remaining ten were sentenced to 40 years, leaving them in prison for an additional 3 years. Lead defense attorney, British Queen's Counsel Edward Fitzgerald announced after the sentences were read that he plans to ask that Grenada's Governor General request a new trial for the defendants to prove their innocence. The Government of Grenada expressed disappointment with the sentences, but issued a statement calling on all Grenadians to accept the decision. The judge, whose impartiality was challenged during the hearing, apparently slipped out of the country immediately after delivering his verdict. Families and friends of the victims are variously furious or resigned. The sentences have only exacerbated the divisions among Grenadians rather than providing the healing/closure most had hoped for. At the moment, the country remains calm.

12. (C) COMMENT: Grenadians' expectations for the hearing were very high and were perhaps inevitably dashed. The prisoners never apologized, asked for forgiveness, or did anything that indicated that they felt remorse. Their demeanor was cocky and self assured for the cameras, as if (as one woman commented) they knew the result before the hearing started. The fact that the lead lawyer plans to try to get the trial reopened means that this case will continue to fester. Disgust, resignation, and anger appear to be the main reactions among those who lost loved ones to the revolution. The younger generation does not know what the fuss is about since this tumultuous period in the 1980's is not taught in schools or talked about openly outside trusted associates. Three defense lawyers willing to talk publicly on June 28 were unanimous in calling for the families to get over their emotional reaction and accepted that justice was done. With the re-sentencing final and three of the thirteen prisoners free and the rest expecting to be out in a few years, attention will most likely turn once again to locating the bodies. The defense adamantly maintained that the United States knows where the bodies of Bishop and his cohort are located. Pressure may be ratcheted up on the USG to provide a better and more detailed accounting than it has to date of what happened and what the U.S. soldiers did with the remains they examined. Prime Minister is begging for help on this.  
END SUMMARY AND COMMENT

## THE HEARING

¶3. (C) The "Grenada 13" are the remaining defendants from the original group of 17 convicted in 1986 of the October 19, 1983 assassination of then Prime Minister Maurice Bishop and members of his cabinet, as well as other civilians at Fort Rupert. The assassinations triggered the October 25, 1983 U.S.-Caribbean intervention to restore order. The Privy Council in London ruled on February 7, 2007, that the life sentence of the Grenada 17 was invalid, as it was based on an unconstitutional sentence of death, and returned the case to the Grenadian Supreme Court. The Privy Council confirmed the validity of the conviction and directed that the defendants be re-sentenced. The hearing was set for the earliest available date on the court's calendar which was the week of June 18. The proceedings concluded on June 26, with the sentences handed down on June 27. Twelve defense attorneys represented the thirteen defendants, with the British QC Edward Fitzgerald acting as a lead for the group. Several of the defense attorneys attempted to use the hearing to retry the case to prove the innocence of their clients and had to be reminded that the 1986 multiple homicide conviction was not vacated by the Privy Council. They also repeated several times the allegation that the United States took the bodies of Bishop and the cabinet members and therefore, the United States, not they know where the bodies are now. The lawyers called for the United States to tell where the bodies are.

(NOTE: One of the defense attorneys told Meaningful Television (MTV) on January 28 that the prisoners had always taken responsibility for the killing and initial disposal of the bodies - not actually a factual statement - but that the U.S. military had dug them up and therefore knows where they are now. END NOTE.)

¶4. (SBU) Under Grenadian law, the Crown does not normally speak at sentencing. However, because the time between conviction and sentencing was so great, accommodation was made for Director of Public Prosecutions (DPP) Christopher Nelson to present the facts of the original trial. Nelson reminded the court that the assassination of then-Prime Minister Maurice Bishop and others was mass murder on a scale unknown in all of Grenada's history. Trinidadian lawyer Lawrence Ramesh Maharaj assisted Nelson in the presentations. Families of the victims were allowed to make statements on June 25. In his summation for the Crown, Nelson asked that life sentences be imposed given the heinous nature of the crimes committed.

¶5. (SBU) The defense's rebuttal was surprisingly only a few hours long. The judge announced on June 26 that he would hand down the sentences on June 27. He promised the written judgement in two week's time.

## JUDICIAL IMPARTIALITY IMPUGNED

¶6. (SBU) Justice Kenneth Benjamin, who was next in the regular rotation to preside over this case was considered by the court to be too close to the defendants and was asked to step aside. Benjamin is a good friend of Bernard Coard, the leader of the faction within the Revolutionary Government that opposed and then assassinated Bishop and members of his Cabinet. Benjamin regularly visits Coard in prison. Justice Francis Belle, a Barbadian currently resident in St. Kitts, was brought in to preside on the assumption that his impartiality was unassailable. On June 20, rumors began flying that there was a problem in the court. By midday, word leaked out that the court had received a letter from a Barbados attorney Robert Clarke asserting that Belle, born and raised in Barbados, as a young man was a member of a political movement there with very close ties to Grenada's New Jewel Movement (NJM), Bishop and Coard's party. According to Clarke, Belle was close to the Coard faction of NJM. Grenadian businessman Nelson Louison provided an affidavit attesting to the facts in Clarke's letter. DPP Nelson announced he had no choice but to request an adjournment to investigate. On June 21, Nelson requested an audience with the judge and the lead defense lawyer and the

court was cleared. Afterwards, Nelson held a press conference to explain that he had discussed the accusations with Belle and was satisfied that the judge could be impartial. The hearing resumed the following morning.

¶7. (C) Belle was reportedly furious that his impartiality had been questioned. Clarke maintained that he had sent his letter to the court registrar before the hearing began and accused the court of negligence in letting the hearing begin without reviewing Belle's background and connections to the defendants. Opposition National Democratic (NDC) members accused the Government of Grenada (GOG) of meddling in court proceedings. They pointed to Attorney General Elvin Nimrod's June 17 statement at a political rally that the government would not allow the 13 to walk free. The GOG denied it all. The damage was done to the judge's reputation and questions remain about how impartial he actually was. (COMMENT: Embassy Grenada had USG visitors from Embassy Bridgetown, who happened to be staying at the same hotel as the defense lawyers. They overheard the group in the hotel bar in the early evening of June 26, laughing and joking about how they had won. Whether it was bravado for the public or reflected actual knowledge, we do not know. However, several of our Grenadian interlocutors who attended the trial were stunned at how little the defense said in rebuttal and at how quickly Belle made his decision. Already, there is talk that Belle had not been impartial. Adding fuel to the speculation was Belle's rapid departure from Grenada and announcement that he would send his written report back in two week's time. One local journalist alleged that Belle said he had better get out of the country fast. END COMMENT.)

#### THE FALLOUT

¶8. (SBU) Grenada is still absorbing the new status quo and it is not clear yet how it will react. Public reaction appears to be mixed, with many disappointed but not surprised by the leniency shown to the defendants. Some say "get over it", especially young Grenadians who are impatient with their elders' apparent obsession with the "guys on the hill". The revolutionary period is spoken of only in corners, in whispers, and is not taught in school, so anyone born after 1983 who does not have a family member killed, imprisoned, or disappeared during the 1979-1983 period, has very little idea

of what actually happened. The other common reaction is that everyone should move on, forgive and forget, but a lot of Grenadians have not been able to do that, especially those for whom having a body to bury or grave site at which to mourn is very important.

¶9. (SBU) Grenada tried and failed to field a reconciliation commission for a number of reasons, the first being that the terms and authority under which it operated hampered its ability to compel testimony. Many people who were involved in the revolution simply refused to talk to the commission, including a fair number now in government, both in the ruling NNP and the opposition NDC. In addition, the three commission members did not give up their normal jobs and so were often absent from Grenada for extended periods. When the report finally came out in 2006, two years late, no one paid much attention. As one family member told a Grenada Broadcast Network (GBN) talk show host on January 28, "no one changed their position. It's either all black or all white, but no one is trying to deal with the large gray area in between."

¶10. (C) Since the sentences have been announced and the GOG has called on Grenadians to accept the result of the hearing (while still saying it was "a sad day for Grenada" that the men did not get life sentences), attention may turn with renewed vigor to the whereabouts of the bodies. Prime Minister Mitchell called Charge on June 28 to say that he was concerned about the sentences, but reiterated that the GOG would abide by the ruling. He was planning to address the nation soon. Mitchell added that he was getting a lot of pressure from "people, including my own family", who say he is not pushing the United States hard enough to tell where

"they" put the bodies. He said he had "asked the Under Secretary (sic) for help in locating them." (NOTE: Charge

SIPDIS

is aware that Mitchell did not actually raise the issue in his meeting with Assistant Secretary Shannon, but announced that he had in the subsequent press conference. The PM is continuing to maintain this fiction. END NOTE.)

OURISMAN